



IN THE MATTER OF:

**Case No. A-2024-0127
I-2023-0809**

Pill Box, Inc.

6 Amelia Olive Branch Rd.
Amelia, OH 45102

License No. 02-0402850

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Pill Box, Inc., for the purpose of resolving all issues between the parties relating to the Board investigation of illegal sales. Together, the Board and Pill Box, Inc., are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Pill Box, Inc., at the time the conduct occurred, was a licensed Terminal Distributor of Dangerous Drugs under license number 02-0402850.

FACTS

1. The Board initiated an investigation of Pill Box, Inc., Terminal Distributor of Dangerous Drugs license number 02-0402850, related to Pill Box, Inc.’s illegal sales of dangerous drugs, including controlled substances.
2. On or about November 5, 2024, the Board sent a Notice of Opportunity for Hearing to Pill Box, Inc., which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:



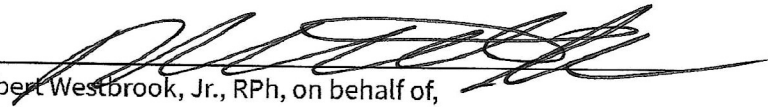
1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Pill Box, Inc., neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated November 5, 2024; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Pill Box, Inc., agrees to pay to the Board a monetary penalty the amount of \$4,250. This fine will be attached to your license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. The Board hereby imposes a written reprimand on Pill Box, Inc.'s TDDD license, number 02-0402850.
5. Pill Box, Inc., agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
6. Pill Box, Inc., agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Pill Box, Inc., of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Pill Box, Inc., by the Board and will NOT discharge Pill Box, Inc., from any obligation under the terms of this Agreement.
7. Pill Box, Inc., agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Pill Box, Inc., understands that it has the right to be represented by counsel for review and execution of this agreement.
9. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Pill Box, Inc., will operate.
10. Pill Box, Inc., explicitly waives its right to request a hearing, waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.
11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
13. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
14. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
15. This Agreement shall become effective upon the date of the Board President's signature below.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties to this Agreement have executed it and/or cause it to be executed by their duly authorized representatives.

Approved by:



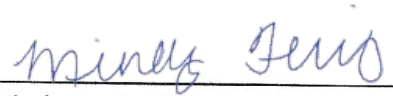
Robert Westbrook, Jr., RPh, on behalf of,
Pill Box, Inc., Respondent

11-11-2024

Date of Signature

Attorney for Respondent (if applicable)

Date of Signature



Mindy Ferris, RPh, President,
State of Ohio Board of Pharmacy

11.15.2024

Date of Signature



**NOTICE OF OPPORTUNITY FOR HEARING
PROPOSAL TO TAKE DISCIPLINARY ACTION AGAINST LICENSE**

-THIS IS A RED INK STAMP-
I certify this to be a true and exact copy of the original document on file with the Ohio State Board of Pharmacy.
Steven W. Schierholt
Steven W. Schierholt, Esq., Executive Dir.
Date: 11/5/2024
-MUST HAVE BOARD SEAL TO BE OFFICIAL-

IN THE MATTER OF:

**Case No. A-2024-0127
I-2023-0809**

Pill Box, Inc.
6 Amelia Olive Branch Rd.
Amelia, OH 45102

License No. 02-0402850

November 5, 2024

Dear Pill Box, Inc.:

You are hereby notified, in accordance with the provisions of Section 119.07 of the Ohio Revised Code the Ohio Board of Pharmacy (Board) proposes to take disciplinary action against your Terminal Distributor of Dangerous Drugs (TDDD) license(s) under authority of Section 4729.57 of the Revised Code.

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code (ORC) and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.55 of the ORC to practice as a TDDD in the state of Ohio. Additionally, Section 4729.57 of the Revised Code grants the Board the authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or \$1,000 if the acts committed have not been classified as an offense by the ORC.
2. Pill Box, Inc. had an active TDDD license with the Board under license number 02-0402850, which, at the time the conduct occurred, listed Robert Westbrook Jr., RPh as the Responsible Person. The TDDD license is now inactive-closed.

ALLEGATIONS

1. From on or about January 4, 2021, through on or about June 5, 2023, Pill Box, Inc., located at 1400 State Route 125, Amelia, Ohio, sold dangerous drugs, including controlled substances, to the Clermont County Jail. A partial list of those sales from the Clermont County Jail records is set forth in Attachment A, attached hereto and incorporated as though fully set forth herein.

Clermont County Jail, located at 4700 East Filager Road, Batavia, Ohio, was operating without a Board-issued TDDD license during this time and was not exempt from licensure.

2. Clermont County Jail's previous TDDD license was issued to Correctional Medical Systems under number 02-0509600 with an expiration date of December 31, 2001.
3. Clermont County Jail had also been receiving pharmacy services and dangerous drugs, both controlled and non-controlled, from Pill Box, Inc., located at 1400 State Route 125, Amelia, Ohio, and holding TDDD license number 02-0402850, while it was licensed.

POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of Section 4729.51(B)(1) of the ORC, No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigative drugs or products to any person other than the following, a licensed terminal distributor of dangerous drugs, each punishable by a maximum fine of \$5,000, if committed by an organization.
2. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of Rule 4729:5-3-09(E) of the OAC, as effective March 1, 2019, and May 27, 2023, failing to query the Board's online roster to determine active licensure prior to distributing dangerous drugs, each violation punishable by a maximum penalty of \$1,000 if committed by an organization.
3. Such conduct as set forth in Allegations Section, if proven, constitutes a violation of each of the following divisions of Section 4729.57 of the ORC, as effective September 29, 2017, and April 4, 2023, each violation punishable by a maximum penalty of \$1,000 if committed by an organization:
 - a. Violating any rule of the board, ORC Section 4729.57(B)(2); and/or
 - b. Violating any provision of this chapter, ORC Section 4729.57(B)(3).
4. Such conduct as set forth in Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729:5-4-01 of the OAC, as effective March 1, 2019, and April 25, 2022, each violation punishable by a maximum penalty of \$1,000 if committed by an organization:
 - a. Violating any rule of the board, OAC Rule 4729:5-4-01(B)(2); and/or
 - b. Violating any provision of Chapter 4729. of the Revised Code, OAC Rule 4729:5-4-01(B)(3).

YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the Ohio Board of Pharmacy, if you request such a hearing within thirty (30) days of the date of the service of this notice.

IF YOU DESIRE A HEARING, such request shall either be mailed to the Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to legal@pharmacy.ohio.gov (**please note faxes will not be accepted**). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30TH DAY FOLLOWING THE SERVICE DATE OF THIS NOTICE.** Please note that if you submit a request via email, your request will be acknowledged within one business day of receipt. If you do not receive an acknowledgment, please contact the Board offices at 614-466-4143 and request the legal department. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you. **If you are a business entity, including but not limited to a corporation, limited liability company, or a limited partnership, you must be represented at the hearing by an attorney licensed to practice in the state of Ohio.**

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the 30th day following the service of this notice, the Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

If you have questions regarding the Chapter 119. Administrative Hearing process, please e-mail your questions to legal@pharmacy.ohio.gov or call the Board office at 614-466-4143 and ask for the legal department.

BY ORDER OF THE STATE BOARD OF PHARMACY



Steven W. Schierholt, Esq., Executive Director

SWS/sam/jrn

Encl: Attachment A





IN THE MATTER OF:

**CASE No. A-2020-0701
I-2020-1341-A**

Pill Box Pharmacy
c/o Robert Westbrook, RPh
1400 W. Ohio Pike
Amelia, Ohio 45102

License No. 02-0402850

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Pill Box Pharmacy for the purpose of resolving all issues between the parties relating to the Board investigation of a pharmacy employee performing pharmacy technician duties without obtaining Board-issued registration. Together, the Board and Pill Box Pharmacy are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Pill Box Pharmacy, located at 1400 W. Ohio Pike, Amelia, Ohio, has an active TDDD license with the Board under license number 02-0402850, which lists Robert Westbrook, RPh as the Responsible Person and owner.

FACTS

1. The Board initiated an investigation of Pill Box Pharmacy, TDDD license number 02-0402850, related to a pharmacy employee performing pharmacy technician duties without obtaining Board-issued registration.
2. On or about December 14, 2020, the Board sent a Notice of Opportunity for Hearing to Pill Box Pharmacy, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about January 11, 2021, Pill Box Pharmacy, through counsel Levi Tkach, timely requested an administrative hearing, which was subsequently scheduled for April 19, 2021 and continued to July 13, 2021.

77 South High Street, 17th Floor, Columbus, Ohio 43215



WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Pill Box Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 14, 2020, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Pill Box Pharmacy agrees to pay to the Board a monetary penalty the amount of \$1,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Pill Box Pharmacy agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Pill Box Pharmacy agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Pill Box Pharmacy of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Pill Box Pharmacy by the Board and will NOT discharge Pill Box Pharmacy from any obligation under the terms of this Agreement.
6. Pill Box Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Pill Box Pharmacy understands that it has the right to be represented by counsel for review and execution of this agreement.

8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Pill Box Pharmacy will operate.
9. Pill Box Pharmacy expressly waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws its request for a hearing, and waives any right to appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties to this Agreement have executed it and/or cause it to be executed by their duly authorized representatives.

Approved by:



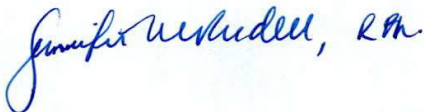
Robert Westbrook, RPh on behalf of,
Pill Box Pharmacy, Respondent

3-21-2021
Date of Signature



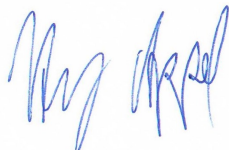
Levi Tkach, Attorney for Respondent

5/26/2021
Date of Signature



Jennifer Rudell, RPh President,
State of Ohio Board of Pharmacy

06.24.2021
Date of Signature



Henry Appel, Ohio Assistant Attorney General

06.24.2021
Date of Signature



**NOTICE OF OPPORTUNITY FOR HEARING
PROPOSAL TO TAKE DISCIPLINARY ACTION AGAINST
TERMINAL DISTRIBUTOR OF DANGEROUS DRUGS LICENSEE**

IN THE MATTER OF:

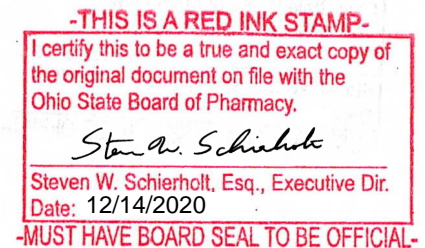
**Case No. A-2020-0701
I-2020-1341-A**

Pill Box Pharmacy
c/o Robert Westbrook, RPh
1400 W. Ohio Pike
Amelia, Ohio 45102

License No. 02-0402850

December 14, 2020

Dear Pill Box Pharmacy and Mr. Westbrook:



You are hereby notified, in accordance with the provisions of Section 119.07 of the Ohio Revised Code (ORC) the State of Ohio Board of Pharmacy (Board) proposes to take action against your license as a Terminal Distributor of Dangerous Drugs under authority of Section (TDDD) 4729.57 of the Revised Code.

JURISDICTION

1. Pursuant to section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, limit, or refuse to grant or renew any license issued pursuant to section 4729.55 of the Ohio Revised Code to practice as a TDDD in the state of Ohio. Additionally, Section 4729.57 of the Revised Code grants the Board the authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or \$1,000 if the acts committed have not been classified as an offense by the Revised Code.
2. Pill Box Pharmacy has a current TDDD license with the Board under license number 02-0402850, which lists Robert Westbrook, RPh as the owner and Responsible Person.

ALLEGATIONS

1. On or about September 14, 2020, an inspection of Pill Box Pharmacy, located at 1400 W. Ohio Pike, Amelia, Ohio, discovered the wife of the owner and Responsible Person, Linda Westbrook, was performing tasks of a pharmacy technician without obtaining Board-issued registration. Mrs. Westbrook was observed by agents of the Board to be performing technician duties, including filling medisets with dangerous drugs for patients, without registration as a technician. The agents of the Board also observed Mrs. Westbrook make a medication error while filling one of the medisets. Mrs. Westbrook notified the agents of the Board

77 South High Street, 17th Floor, Columbus, Ohio 43215



she works at the pharmacy approximately four days per week and her primary responsibility is to fill medisets.

2. During the inspection, Robert Westbrook was advised by agents that his wife, Linda Westbrook, must stop performing duties of a technician, including filling medisets, until she obtains her technician registration from the Board. Mr. Westbrook indicated he understood and signed the inspection report for Pill Box Pharmacy which documented the discussion.
3. On or about November 17, 2020, agents of the Board conducted an inspection of the room where medisets are filled. Multiple documents included Ms. Westbrook's initials and indicated she had filled medisets on November 16, 2020 and November 17, 2020.
4. During the inspection, an agent of the Board noticed the "Wednesday Mediset Delivery Record" sheet that had been sitting on the counter in the mediset room was gone. It was discovered that Robert Westbrook removed the document and concealed it in his pocket. It was provided to an agent of the Board upon request. During an interview with agents of the Board, Robert Westbrook stated:
 - a. Linda Westbrook had not been working in the pharmacy and a stamp indicating she had worked in the mediset room was incorrect. When questioned further, Mr. Westbrook admitted Mrs. Westbrook worked the past two days.

POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of Section 4729.95(C) of the ORC, No terminal distributor of dangerous drugs shall knowingly allow any person employed or otherwise under the control of the person who owns, manages, or conducts the terminal distributor to violate division (A) which states: No person who is not a pharmacist, pharmacy intern, registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee shall knowingly engage in any of the activities listed in section 4729.91 of the Revised Code in a location licensed as a terminal distributor of dangerous drugs, a misdemeanor of the second degree, punishable by a maximum penalty of \$4,000.
2. Such conduct as set forth in Allegations Section, if proven, constitutes a violation of each of the following divisions of Section 4729.55 of the ORC, TDDD license requirements, each violation punishable by a maximum penalty of \$1,000: Adequate safeguards are assured that the applicant will carry on the business of a terminal distributor of dangerous drugs in a manner that allows pharmacists and pharmacy interns employed by the terminal distributor to practice pharmacy in a safe and effective manner, ORC 4729.55(D).
3. Such conduct as set forth in Allegations Section, if proven, constitutes a violation of each of the following divisions of Section 4729.57 of the ORC, each violation punishable by a maximum penalty of \$1,000:
 - a. Violating any rule of the board, ORC Section 4729.57(B)(2); and/or
 - b. Violating any provision of this chapter, ORC Section 4729.57(B)(3); and/or
 - c. Ceasing to satisfy the qualifications of a TDDD set forth in 4729.55 of the Revised Code, ORC Section 4729.57(B)(7); and/or

- d. Any other cause for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.57(B)(10).
4. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of Rules 4729:5-4-01 of the OAC, effective March 1, 2019, each violation punishable by a maximum fine of \$1,000:
 - a. Violating any rule of the board, OAC Rule 4729:5-4-01(B)(2); and/or
 - b. Violating any provision of Chapter 4729. of the Revised Code, OAC Rule 4729:5-4-01(B)(3); and/or
 - c. Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code, OAC Rule 4729:5-4-01(B)(7); and/or
 - d. Commission of an act that constitutes a misdemeanor that is related to, or committed in, the person's professional practice, OAC Rule 4729:5-4-01(B)(20).

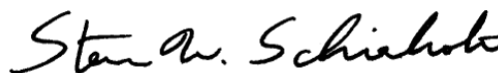
YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the State of Ohio Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.

IF YOU DESIRE A HEARING, such request shall either be mailed to the State of Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to legal@pharmacy.ohio.gov (please note faxes will **not** be accepted). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30TH DAY FOLLOWING THE MAILING DATE OF THIS NOTICE.** Please note that if you submit a request via email, your request will be acknowledged within one business day of receipt. If you do not receive an acknowledgment, please contact the Board offices at 614-466-4143 and request the legal department. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you. **If you are a corporation, you must be represented at the hearing by an attorney licensed to practice in the state of Ohio.**

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the 30th day following the mailing of this notice, the State of Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

If you have questions regarding the Chapter 119. Administrative Hearing process, please e-mail your questions to legal@pharmacy.ohio.gov or call the Board office at 614-466-4143 and ask for the legal department.

BY ORDER OF THE STATE BOARD OF PHARMACY



Steven W. Schierholt, Esq., Executive Director

SWS/alg/kll

CMRRR: 7020 0640 0000 2241 3449